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The situation in the Middle East

Question of Palestine

Security Council
Sixty-fourth year

Peaceful settlement of the question of Palestine

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 63/29. It contains replies received from the President of the Security Council and the parties concerned to the notes verbales sent by the Secretary-General pursuant to the request contained in paragraph 21 of the resolution. The report also contains the observations of the Secretary-General on the current state of the Israeli-Palestinian conflict and on international efforts to move the peace process forward with a view to achieving a peaceful settlement. The report covers the period from September 2008 to August 2009.

* A/64/150 and Corr.1.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 63/29.

2. On 1 July 2009, pursuant to the request contained in paragraph 21 of the above-mentioned resolution, I addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 63/29, which the General Assembly adopted on 26 November 2008, at its sixty-third session, under the agenda item 'Question of Palestine'.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 31 July 2009."

3. On 24 July 2009 the following reply was received from the Security Council:

> "The goal of achieving a peaceful settlement of the question of Palestine remains one of the major challenges facing the international community, including the Security Council.
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> "The Security Council considers the situation in Palestine each month under an agenda item on 'The situation in the Middle East, including the question of Palestine,' with general presentations in the form of briefings by either the Under-Secretary-General for Political Affairs or the United Nations Special Coordinator for the Middle East Peace Process, followed by an open meeting of the Council or by consultations among Council members.
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> "On 22 July 2008, the Council convened an open debate on the situation in the Middle East, during which it heard a briefing by the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, who indicated a number of encouraging developments across the region and stressed the importance of achieving further visible progress in peaceful negotiations, consolidating the ceasefire and resolving the humanitarian crisis in Gaza, and improving the livelihood of Palestinians in the Occupied Territories. Most representatives called upon the parties concerned to renounce violence, implement agreements, abide by their obligations under international law, particularly human rights and humanitarian law, and take further concrete action to advance the peace process towards its stated goals on the basis of United Nations resolutions, the principle of land for peace, the Arab Peace Initiative and the Annapolis Conference.
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> "On 20 August 2008, the Council heard a briefing by the Under-Secretary-General for Political Affairs on the situation in the Middle East, including the Palestinian question, which was followed by consultations of the whole. The Under-Secretary-General informed the Council that Israeli-Palestinian negotiations as part of the Annapolis process were continuing, that the fragile ceasefire between Israel and Hamas had been largely respected, but that the situation on the ground remained a cause for concern, particularly the continuing settlement activity across the West Bank and in East Jerusalem, and the rise of internal Palestinian violence. The organization in September of a meeting of the Quartet, followed by an iftar with Arab partners, and a meeting

of the Ad Hoc Liaison Committee would provide occasions to take stock of the progress made and to assist in the implementation of donor pledges to address the impending Palestinian budget crisis.

"The Under-Secretary-General concluded by reaffirming the Secretary-General's commitment to a just and lasting comprehensive regional peace in the Middle East, based on Security Council resolutions. The meeting was followed by consultations of the whole.

"The Council examined this issue twice during the month of September 2008.

"On 18 September 2008, in consultations, the Special Coordinator for the Middle East Peace Process, Robert Serry, briefed the Council on the negotiations taking place between Israel and the Palestinian Authority, in particular the talks of 26 and 31 August and 16 September 2008. He also stated that relations between the Syrian Arab Republic and Lebanon were improving, while the blockade imposed by Israel in the Gaza Strip was still a concern.

"At the request of the Permanent Mission of Saudi Arabia to the United Nations on behalf of the Arab League, the Security Council held a debate on 26 September 2008, at the ministerial level. Although many delegations focused their statements on the settlements that were still going on in the Palestinian territories, others spoke about the global situation in the Middle East.

"On 22 October 2008, the Council heard a briefing on the Middle East from the Under-Secretary-General for Political Affairs. He told the Council, inter alia, that despite ongoing efforts by the parties concerned, the situation on the ground was not improving 'in the way that is required' to ensure a durable settlement. He also hoped that, notwithstanding the transition currently under way, the Israel-Palestinian negotiations would not only continue but would intensify until the end of the year, within the framework of the Annapolis process. During consultations of the whole, many members of the Council reaffirmed their support for the continuation of Israeli-Palestinian negotiations, and expressed the wish that the United Nations would, as appropriate, play a greater role in support of the peace process. Members of the Council also emphasized that the international community could not lose sight of the humanitarian situation on the ground.

"On 25 November 2008, the Council was briefed by the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, on the situation in the Middle East, including the Palestinian question. He expressed regret that Israel and the Palestinians were likely to fall short of their commitment, made at Annapolis, to reach an agreement by the end of the year. At the same time, he welcomed the parties' affirmation that they had engaged in direct, sustained and intensive negotiations.

"After the briefing, owing to the sensitivity of the issue, the Council held consultations of the whole, during which members of the Council held an interactive dialogue with the Under-Secretary-General.

"On 3 December 2008, the Security Council held a debate to discuss the situation in connection with the Libyan ship which was heading to the Port of

Gaza carrying humanitarian supplies. Members of the Council made statements. The Council also heard statements by the Permanent Observer of Palestine and the Permanent Representative of Israel. The Council did not reach any specific conclusion.

"On 5 December 2008, the Council addressed events in Hebron in consultations of the whole. Following the consultations, the President of the Council informally conveyed to the press that the members of the Council welcomed Israel's evacuation of settlers, condemned the resulting settler violence, urged respect for the rule of law without discrimination or exception and encouraged Israel and the Palestinian Authority to continue their security cooperation in the Hebron Governorate.

"On 16 December 2008, the Security Council adopted resolution 1850 (2008) by 14 votes in favour, with 1 abstention. The adoption was preceded by a Council debate that included the ministerial participation of several members and was chaired by the Prime Minister of the Republic of Croatia, Ivo Sanader. The Secretary-General also addressed the Council. Reiterating the vision of the two-State solution while noting the importance of the 2002 Arab Peace Initiative and the Quartet's ongoing work, the Council, in resolution 1850 (2008), declared its support for the Annapolis process and the irreversibility of the negotiations. The Security Council supported the parties' agreed principles for the bilateral negotiations, called on both parties to fulfil their obligations under the Road Map and refrain from any steps that could undermine confidence or prejudice the outcome of negotiations, and called on all States and international organizations to contribute to an atmosphere conducive to negotiations and to assist the Palestinian Authority. It urged intensified diplomatic efforts to foster mutual recognition and peaceful coexistence in the region in the context of achieving a comprehensive, just and lasting peace in the Middle East, and welcomed the consideration of an international meeting in Moscow in 2009.

"On 18 December 2008, the Security Council held an open debate on the situation in the Middle East, including the Palestinian question. The Council heard a briefing by the Special Coordinator for the Middle East Peace Process, Robert Serry, on the situation in Gaza and the West Bank. He also addressed the situation in Lebanon and the dynamics between the Syrian Arab Republic and Israel. He said that the main objective in the coming year was to sustain the political process during a period of transition, emphasizing the importance of the adoption of resolution 1850 (2008). He appealed for the observance of basic humanitarian principles in Gaza and warned against the escalation of violence. The Security Council then heard statements by the Permanent Observer of Palestine and the Permanent Representative of Israel. Representatives of Brazil, Cuba, Qatar, Turkey, Japan, the Islamic Republic of Iran, Chile, Pakistan, the Bolivarian Republic of Venezuela, Morocco, Norway, Australia, Iceland and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People also addressed the Council.

"On 28 December 2008, after consultations of the whole that had begun the previous evening following the outbreak of violence in the Gaza Strip and southern Israel, the President of the Council read out a statement to the press, expressing serious concern at the escalation of the situation in Gaza, and

calling for an immediate halt to all violence, calling for all parties to address the serious humanitarian and economic needs in Gaza, and stressing the need for the restoration of calm in full, which would open the way for finding a political solution.

"On 31 December 2008, the Security Council held an emergency meeting on the situation in the Gaza Strip and southern Israel. The Secretary-General addressed the Council, expressing profound concern that the Security Council's call for an end to the violence had gone unheeded, emphasizing the suffering of the civilian population in Gaza and stating that all parties must fully uphold international humanitarian law. He stressed the need for decisive action and welcomed efforts by European and Arab leaders. The Permanent Observer of Palestine and the Permanent Representative of Israel also addressed the Council. Members of the Council made statements, followed by the representatives of Egypt and the Permanent Observer for the League of Arab States.

"On 3 January 2009, the Council held consultations of the whole on the situation in Gaza.

"On 6 and 7 January 2009, the Council held a public debate at the ministerial level on the item entitled 'The situation in the Middle East, including the Palestinian question'. During the debate, the Secretary-General, the President of the Palestinian National Authority, the representative of Israel, and representatives of other States Members of the United Nations (including Ministers for Foreign Affairs, in particular of the Arab League States) made statements.

"On 8 January 2009, after thorough consultations, including at the ministerial level, the Council held a meeting presided over by the Minister for Foreign Affairs of France, Bernard Kouchner, at which it adopted resolution 1860 (2009) by 14 votes in favour, with 1 abstention. In the resolution, the Council called for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza.

"On 13 January 2009, during consultations of the whole, the Council was briefed by the Secretary-General before his visit to the Middle East. In their statements, Council members welcomed the efforts of the Secretary-General. On 15 January, in consultations of the whole, the Council was briefed by the Assistant Secretary-General for Political Affairs, Haile Menkerios, on the situation in Gaza, following the attacks on the headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). During the consultations, there was an agreement on elements for remarks to be made by the President to the press. The President of the Council expressed grave concern, in particular following the military operations against hospitals, a building hosting journalists and the headquarters of UNRWA.

"On 21 January 2009, the Council held a public meeting to receive a briefing by the Secretary-General following his visit to the Middle East. During the consultations of the whole that followed, members of the Council agreed to issue a statement to the press, in which they welcomed the ceasefire in Gaza, expressed their strong appreciation for the efforts of the Secretary-

General and reiterated their grave concern at the humanitarian situation in Gaza.

"On 27 January 2009, the Council held a meeting at which it heard briefings by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and by the Commissioner-General of UNRWA, Karen AbuZayd, on the situation in Gaza. It was the first time that a Commissioner-General of UNRWA had been invited to address the Council. Both the Under-Secretary-General and the Commissioner-General expressed great concern about the humanitarian situation in Gaza and stressed the importance of free access for humanitarian aid. The meeting was followed by consultations of the whole.

"On 18 February 2009, the Council heard a briefing on the Middle East by the Special Coordinator for the Middle East Peace Process, Robert Serry. He reported to the Council that a number of issues, including the humanitarian situation in Gaza, Palestinian reconciliation, and the new political situation in Israel, needed to be addressed for the peace process to advance and emphasized the importance of a durable and sustainable ceasefire as called for in resolution 1860 (2009). With regard to Lebanon, he noted that the situation remained relatively stable despite increased tension following the crisis in Gaza. During the consultations of the whole that followed, many Council members stressed the need for an effective ceasefire, unimpeded access for humanitarian assistance, the opening of the crossings into Gaza and Palestinian unity.

"On 25 March 2009, the Council held its 6100th meeting to consider the agenda item entitled 'The situation in the Middle East, including the Palestinian question'.

"The Council heard a briefing by B. Lynn Pascoe, Under-Secretary-General for Political Affairs. Mr. Pascoe began the briefing by stating that 'two months after unilateral ceasefires were declared in Gaza, we face a worrying situation of impasse and uncertainty. Despite international engagement and support, very little concrete progress has been made on key issues outlined in Security Council resolution 1860 (2009).' In conclusion, he stressed that 'it is important that the Quartet and the international community act with unity of purpose to help stabilize Gaza and reinvigorate the peace process. We need to have both Israeli and Palestinian Governments that are clearly committed to the two-State solution. We need a continuation of negotiations, the implementation of commitments on the ground and a strategy for de-escalating tensions and addressing the urgent humanitarian needs in Gaza.'

"Turning to Lebanon, he said that the killing by a roadside bomb of the Deputy Representative in Lebanon of the Palestine Liberation Organization (PLO) on 23 March 2009 had interrupted the prevailing relative calm in the country.

"Following the briefing, the Council heard statements by the Permanent Observer of Palestine, and the Permanent Representative of Israel.

"Statements were made by Council members, the President, in his national capacity, and the representatives of Egypt and Lebanon.

"Upon resumption of the meeting, the Council heard statements by the representatives of Cuba (on behalf of the Non-Aligned Movement), the Syrian Arab Republic, the Czech Republic (on behalf of the European Union), Brazil, Morocco, Qatar and Bangladesh. The Council then heard statements by Paul Badji, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the representatives of Indonesia, Ecuador, Malaysia, Algeria, Mauritania, South Africa, Norway, the Islamic Republic of Iran, Nicaragua, Jordan, Australia, the Republic of Korea, Mali, Pakistan and the Bolivarian Republic of Venezuela (S/PV.6100-SC/9626).

"On 20 April 2009, the Council heard a briefing on the situation in the Middle East by B. Lynn Pascoe, Under-Secretary-General for Political Affairs. Mr. Pascoe reported that very little progress had been made on the key elements of resolution 1860 (2009), namely the commitment of the parties to a durable and sustainable ceasefire, the opening of the crossings for humanitarian access and provision of materials for recovery, and intra-Palestinian reconciliation. He conveyed the Secretary-General's expectation that the Middle East peace process would resume, with the aim of achieving an independent and viable Palestinian State living side by side in peace with a secure Israel and a comprehensive Arab-Israeli peace as envisaged in Security Council resolutions. He stated that the situation in Gaza and southern Israel remained fragile in the absence of a proper ceasefire regime, and noted that 30 rockets and mortars had been fired by Palestinian militants at southern Israel during that period. He also highlighted Egyptian efforts to combat the continued arms smuggling across the Gaza border, and informed the Council that settlement activity had continued in the West Bank and East Jerusalem during the reporting period and must be frozen. After the meeting, the Council held informal consultations. Members drew attention to the need to achieve a stable ceasefire, implement the provisions of Council resolutions 1850 (2008) and 1860 (2009) and open Gaza's border crossings to allow for the entry of more humanitarian aid and essential goods and materials.

"On 11 May 2009, the Security Council held a ministerial-level meeting on the Middle East peace process chaired by the Minister for Foreign Affairs of the Russian Federation, Sergei Lavrov. Speaking at that event, the Secretary-General, Ban Ki-moon, stressed the need to generate momentum in the Israeli-Palestinian talks, warning that the situation on the ground could worsen easily without fresh efforts by both sides as well as by the international community. After the inconclusive results of the previous year's negotiations and the bloodshed in Gaza, the previous three months had witnessed almost no progress on the two key resolutions — 1850 (2008) and 1860 (2009).

"The Secretary-General also referred to the deep crises of confidence among 'ordinary people on the ground'. He said that Palestinians continued to see unacceptable unilateral actions in East Jerusalem and the remainder of the West Bank, such as 'house demolitions, intensified settlement activity, settler violence and oppressive movement restrictions due to permits, checkpoints and the barrier'. He stressed that the time had come for Israel to fundamentally change its policies in that regard. However, he also emphasized that ordinary Israelis needed reassurance that a future Palestinian State would guarantee their right to live in peace and security, and he stated that 'indiscriminate rocket attacks that have caused loss of life, civilian suffering and damage to

property in Israel are not only deeply unacceptable, but also totally counterproductive, and must cease'.

"He also stated that the challenge was to begin to implement transformative changes on the ground; and to kick-start a renewed and irreversible drive to achieve an Israeli-Palestinian agreement, stressing that resolving the Israeli-Palestinian conflict was fundamental to the well-being of both peoples, the region and the world.

"In their interventions, members of the Council reaffirmed their hope that the commitments made by the parties would be kept and stated that the parties must pursue an irreversible effort towards the two-State solution, including by fully implementing commitments on the ground. Council members also voiced their concern about the situation in and around Gaza, including continued arms smuggling into Gaza and continued Hamas rocket fire from Gaza into Israel, as well as Israeli settlement activities undermining the contiguity and viability of the Occupied Palestinian Territory and jeopardizing the two-State solution, and stressed the need for Palestinian reconciliation.

"The Security Council adopted a Presidential Statement (S/PRST/2009/14) at the end of its session, read by Mr. Lavrov, in which the Council stressed the urgency of reaching comprehensive peace in the Middle East. It stated that vigorous diplomatic action was needed to attain the goal set by the international community of lasting peace in the region, based on an enduring commitment of mutual recognition and on previous agreements and obligations.

"The Council also voiced support for the Russian Federation's proposal to convene, in consultations with the Quartet and the parties, an international conference on the Middle East peace process in Moscow later that year.

"The Council continues to pay close attention to developments in the situation in the Middle East; the next meeting on this question is scheduled to be held on 27 July 2009."

4. In a note verbale dated 30 April 2009 to the parties concerned, I sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as of the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 31 August 2009, replies had been received from Israel and the Palestine Liberation Organization. The note verbale dated 20 July 2009 from the Permanent Mission of Israel to the United Nations reads as follows:

"As shown in the meeting records, Israel voted against this resolution, as it has done on similar resolutions adopted in the past by the General Assembly. The Permanent Mission of Israel wishes to reiterate the considerations guiding this voting practice in light of the current situation.

"Despite the continuation of intensive Israeli-Palestinian dialogue during 2008, Palestinian terrorism continued unabated and remains an alarming reality. During 2008, over 3,100 rockets and mortars were launched against Israel by Hamas, including over 360 during the so-called 'lull' initiated in June 2008. Deliberately targeting Israeli civilian targets and cynically launched from within Palestinian civilian concentrations, these attacks came in the wake

of seven years of similar attacks, during which over 8,900 rockets and mortars had been fired at Israel from Gaza.

"This campaign of terror reached a pinnacle towards the end of 2008, with over 300 rockets and mortars hitting Israel in the single week between December 21 and December 27, leaving it with no choice but to act to protect its civilians from the unceasing barrage of rocket fire. Moreover, during 'Operation Cast Lead' an additional 571 rockets and 205 mortars landed in Israel, reaching as far as the cities of Ashdod, Beer Sheva and Gedera.

"This campaign of violence has not been limited to rocket fire from Gaza. Palestinian terrorists carried out numerous terror attacks during 2008, killing 12 and wounding dozens of Israeli civilians. On 4 February 2008, a Palestinian suicide bomber killed an Israeli woman in Dimona; on 6 March 2008, a Palestinian terrorist went on a shooting rampage in a religious seminary in Jerusalem, killing eight high school students; and in three separate incidents in July 2008 and March 2009, Palestinians driving bulldozers plowed into Israeli bystanders, killing three and wounding numerous others.

"Hamas, entrenched in Gaza with the support of the Islamic Republic of Iran, continues to stockpile weapons of ever-increasing lethality and range, operating a full-fledged weapons-smuggling operation through the extensive tunnel network running under the Egypt-Gaza border.

"In addition, Hamas has been holding kidnapped Israeli corporal Gilad Shalit incommunicado for over three years, violating basic humanitarian practice of permitting the International Committee of the Red Cross access to see the captive. The Hamas regime continues to reject the Quartet conditions, persists adamantly in its calls for Israel's destruction and remains vigilant in its commitment to seeing this grim vision through. It is disturbing, if not to say appalling, that resolution 63/29 makes no mention of any of the above.

"Notwithstanding this concerted and enduring campaign of violence against Israeli civilians and testifying to Israel's commitment to humanitarian principles even in the face of it, Israel continues to facilitate the entry of large quantities of humanitarian supplies into Gaza, including in the very midst of the recent Gaza conflict. Between the June 2007 Hamas takeover of Gaza and September 2008, 35,542 trucks bearing 813,870 tons of humanitarian supplies entered Gaza through the crossings from Israel. During Operation Cast Lead alone, 1,503 trucks carried 37,159 tons of humanitarian aid into Gaza via the Kerem Shalom and Karni crossings, alongside 1,535,750 litres of heavy-duty diesel for the Gaza power station.

"In addition, over the past months, and especially in recent weeks, the Government of Israel has authorized a major easing of security-related restrictions in the West Bank, dismantling two thirds (27 of 41) of the formerly existing checkpoints and some 140 dirt roadblocks during the past year. These positive developments, noted and lauded by the Quartet Envoy, accompany a marked improvement in economic indicators in the West Bank. Israel has taken these steps as confidence-building measures, with the aim of further encouraging Palestinian economic activity, despite the fact that in the past, such gestures have directly resulted in an upsurge in terror attacks by Palestinians against Israelis. The Permanent Mission expresses its hope that

the Palestinians will depart from prior practice and seize this opportunity to focus their collective energies in such ways as may serve to nurture peaceful coexistence with Israel.

"The Government of Israel has repeatedly extended an open and unequivocal invitation to launch peace talks with the Palestinian Authority. Guiding Israel in this respect is a vision of a reinvigorated political process alongside a rejuvenated effort to focus on economic cooperation and development. Regrettably, these overtures have been rejected by the Palestinian Authority.

"Despite an ongoing and acute threat to its security, Israel has gone to great lengths to assist in extending humanitarian assistance, fostering conditions for Palestinian economic development and cooperation, and engaging in political dialogue with the Palestinian Authority. Regrettably, these overtures have yet to achieve their goal of reaching comprehensive, just and lasting peace. Inexcusably, they are given no mention in resolution 63/29.

"Thus, far from acting as a vehicle for promoting a peaceful resolution of the Palestinian-Israeli conflict, resolution 63/29 joins the numerous one-sided resolutions passed annually by the General Assembly on Israel which serve only to undermine the credibility of the United Nations as an impartial agent for the advancement of peace. The Permanent Mission takes this opportunity to urge the Secretary-General to use his good offices to encourage a cessation of this counterproductive practice."

The note verbale dated 26 June 2009 from the Permanent Observer of Palestine to the United Nations reads as follows:

"The urgency of ending the tragedy and injustice inflicted upon the Palestinian people after more than 61 years of statelessness and dispossession and more than 42 years of military occupation and oppression by Israel, the occupying Power, cannot be overstated. For too long the Palestinian people have suffered crises, loss and subjugation, their human rights and fundamental freedoms brutally violated, and for too long the inability to achieve a just solution to the question of Palestine, despite persistent and noble efforts, has represented a tragic failure on the part of the international community, with grave consequences for not only the Palestinian and Israeli peoples, but for the Middle East region and beyond. The question of Palestine, which lies at the core of the Arab-Israeli conflict as a whole, is indeed central to the quest for regional and international peace, security and stability in our contemporary world, and a peaceful settlement is long overdue.

"There is international consensus that achieving a just and peaceful settlement of the question of Palestine, in accordance with international law and relevant United Nations resolutions, is a political, security, legal, human rights, humanitarian and moral imperative for the international community. This is clearly reflected in the General Assembly's annual adoption of the resolution on the 'Peaceful settlement of the question of Palestine' by an overwhelming majority.

"From Palestine's perspective, the role of the United Nations remains central for the promotion of a peaceful settlement. As affirmed in numerous resolutions, the responsibility of the United Nations towards the question of

Palestine is an enduring one until the achievement of a just, lasting and comprehensive solution. During this critical period, Palestine reaffirms the importance of, as well as deep gratitude for, the efforts of the United Nations system, including its principal organs and specialized agencies, vis-à-vis the question of Palestine in, inter alia, the humanitarian, political, socio-economic, human rights and development fields. However, more concerted efforts are essential if the Charter, United Nations resolutions and the rule of law are to be truly upheld, and United Nations organs, including, inter alia, the General Assembly, Security Council, Human Rights Council, Economic and Social Council, International Court of Justice and the International Criminal Court, must continue to exert all efforts in this regard.

"Israel's flagrant and deliberate violation of its legal obligations and United Nations resolutions must not continue to be tolerated. This has only emboldened Israeli impunity and lawlessness and further complicated the conflict. Such violations by the occupying Power must be directly addressed with the appropriate actions and measures at the international community's disposal if the responsibility for achieving a peace settlement based on the two-State solution is ever to be fulfilled.

"Guided by the purposes and principles of the Charter, international law, including humanitarian and human rights law, and relevant United Nations resolutions, as well as the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet Road Map, the international community must intensify its collective efforts to promote a peace that brings to an end the occupation of the Palestinian Territory, including East Jerusalem, that began in 1967, and the establishment of the independent State of Palestine, as well as a just and agreed solution to the plight of the Palestine refugees on the basis of General Assembly resolution 194 (III). The parameters and core requirements for achieving such a peace are clearly stipulated in resolution 63/29, just as they have been for decades.

"Indeed, despite the passage of time, cyclical crises and the deterioration of the situation on the ground in the Occupied Palestinian Territory, including East Jerusalem, the solution to the Israeli-Palestinian conflict remains the same: two States for two peoples to live side by side in peace and security. This solution finds its foundation in resolution 181 (II) of 29 November 1947 and has been reaffirmed and called for thereafter in numerous United Nations resolutions, including Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), General Assembly resolutions on the question of Palestine and on the right of the Palestinian people to self-determination, as well as in the 2004 advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory. The two-State solution is also at the crux of the Arab Peace Initiative and the Road Map.

"Regrettably, however, the months since the adoption of resolution 63/29 have been marked by the dramatic deterioration of the situation at all levels in the Occupied Palestinian Territory and by the obstruction of the efforts to achieve a peaceful settlement.

"With the exception of a few encouraging developments — such as: (a) the adoption by the Security Council of resolution 1850 (2008), in which

the Council, inter alia, declared its support for the Annapolis process and the resolution of all outstanding issues, including all core issues; called on the parties to fulfil their obligations under the Road Map and to refrain from any steps that could undermine confidence or prejudice the outcome of negotiations; and urged the intensification of diplomatic efforts towards achievement of a comprehensive, just and lasting peace in the Middle East; (b) the adoption by the Security Council of resolution 1860 (2009) at the height of the Israeli military aggression against the Gaza Strip, in which the Council, inter alia, called for a permanent and durable ceasefire, unimpeded provision of humanitarian assistance, arrangements for the sustained reopening of Gaza's crossing points, and renewed and urgent peace efforts; (c) the renewal of the Arab Peace Initiative in March 2009 by the League of Arab States Summit despite the marked deterioration of the situation; (d) the adoption by the Security Council of presidential statement PRST 2009/14, in which the Council, inter alia, reaffirmed the two-State solution, the basis for achieving a peaceful settlement, and the irreversibility of the peace process; (e) ongoing Egyptian efforts to promote a ceasefire, as well as Egyptian and regional efforts to foster Palestinian reconciliation and unity; (f) the more active, balanced and just approach being undertaken by the United States administration of President Barack Obama towards the Israeli-Palestinian conflict and the Arab-Israeli conflict as a whole, based on a clear commitment to the two-State solution for the achievement of peace; and (g) the comprehensive and forward-looking statement by the Quartet on 26 June 2009 in Trieste, Italy — the period since the adoption of resolution 63/29 has witnessed a series of negative developments and setbacks as a result of Israel's continued breach of all rules and norms of international law, in particular the Fourth Geneva Convention, which has had a detrimental effect on the situation on the ground and the drive for peace.

"Even the minimal progress made in the Israeli-Palestinian peace process since its relaunch at the November 2007 Annapolis Conference has been undermined by Israel's illegal and aggressive policies in the Occupied Palestinian Territory, particularly its colonization campaign throughout the West Bank, its blockade in collective punishment of the entire civilian population in the Gaza Strip, and its daily humiliation and degradation of the Palestinian people. Such actions constitute gross violations of international law, including systematic human rights violations and war crimes against the Palestinian people, and of United Nations resolutions, and show contempt for the will of the international community.

"At the same time, Israel's unlawful actions have seriously compromised its credibility as a partner in the peace process. Rather than conducting negotiations in good faith and refraining from taking measures prejudicing the outcome of negotiations on the core issues — Jerusalem, settlements, refugees, borders, security and water — and repeatedly undermining confidence, the occupying Power has instead continued to brutally oppress the Palestinian civilian population and to establish ever more facts on the ground, creating more obstacles to contend with, deepening mistrust and preventing any real progress from being achieved, despite the convening of 27 meetings between the two sides since the Annapolis Conference.

"In comparison, the Palestinian leadership has exerted all efforts to uphold its obligations and commitments under international law, agreements reached and the Road Map. It has conducted negotiations in good faith, repeatedly reaffirmed its commitment to the two-State solution for peace, striven to promote a positive environment for negotiations, made extensive and well-documented progress in fulfilment of its obligations regarding promotion of security and law and order in the areas under the Palestinian Authority, diligently worked with the support of the international donor community to build the institutions of the future Palestinian State, and also continued to strive for much-desired national reconciliation and unity. All of this has been achieved by the Palestinian leadership despite the obstacles and measures imposed by Israel that have undermined these efforts and despite Israel's blatant intransigence and violation of its legal obligations and commitments in total contradiction of the goals and spirit of the peace process.

"In this regard, Israel, the occupying Power, has intensified settlement activities, construction of the Wall, home demolitions and excavations, particularly in and around East Jerusalem; it has intensified its imposition of obstacles to the movement of persons and goods throughout the West Bank and its imposition of the two-year blockade on Gaza; it has continued to carry out military raids and assaults killing and injuring Palestinian civilians; it has continued to arrest, detain and imprison thousands of Palestinian civilians, with over 11,000 Palestinians, including hundreds of women and children, in Israeli jails, suffering inhumane conditions and treatment; and it has continued to exploit Palestinian natural resources and cause extensive environmental damage in the Territory.

"All recent reports, including those by United Nations agencies on the ground such as UNRWA, Office for the Coordination of Humanitarian Affairs, Office of the United Nations Special Coordinator for the Middle East Peace Process, United Nations Children's Fund, United Nations Development Programme, World Health Organization and World Food Programme, inter alia, attest to the decline of the economic, social, political, humanitarian and security conditions, especially in Gaza, as a result of Israel's illegal and destructive policies. Poverty and unemployment rates remain inordinately high, health and education standards continue to decline, food insecurity is rampant, civilian lives continue to be threatened and lost as a result of the violence perpetrated by the Israeli occupying forces and settlers, and thousands more civilians have been displaced, which has exacerbated the hardships being endured by the Palestinian people under occupation.

"This negative trend culminated in Israel's horrific military aggression against Gaza from 27 December 2008 to 19 January 2009 (Operation Cast Lead), in which more than 1,400 Palestinian civilians, including hundreds of children and women, were killed and more than 5,500 civilians were injured. The high number of casualties was the result of direct targeting by Israel of civilian areas and objects, including UNRWA schools where Palestinian civilians were known to be sheltering from the violence, and use of excessive, indiscriminate force and lethal, even prohibited, weaponry and ammunition, including white phosphorous, against the defenceless population. This has been verified by several investigations, including by the Secretary-General's Board of Inquiry, the League of Arab States' Independent Fact-Finding

Committee on Gaza and many human rights and humanitarian organizations on the ground.

"The Israeli occupying forces also caused wanton destruction throughout Gaza. Thousands of Palestinian homes were destroyed or seriously damaged. In addition, businesses, schools, hospitals, vital infrastructure such as roads, water, sanitation and electricity networks, agricultural land and numerous United Nations facilities were destroyed. The widespread destruction rendered thousands of people homeless. Moreover, appallingly, more than six months later no reconstruction of damaged or destroyed properties has been carried out owing to Israel's ongoing blockade of Gaza, by which it has prohibited the entry of materials essential for reconstruction as well as the import and export of all other goods, with the exception of the minimum of food and medicine necessary to sustain the civilian population and other minor exceptions on a case-by-case basis.

"The massive deprivation and brutality inflicted by Israel on Gaza has traumatized and terrorized the Palestinian civilian population and the impact on the socio-economic, humanitarian, psychosocial and security situation has been disastrous. Moreover, at the time of writing this note, the peace process, which was suspended with the launch of the Israeli war against Gaza, remains frozen.

"The current situation is abnormal, unjust and untenable. The opening of Gaza's border crossings to allow for the free movement of persons and goods, including unimpeded humanitarian access, commercial flows necessary for revival of the collapsed economy and civilian needs, and import of construction materials, spare parts and adequate fuel supplies is a matter of urgency. There is no acceptable justification for Israel's continued imprisonment of the 1.5 million Palestinians in Gaza. Immediate efforts must be undertaken to ensure the sustained opening of the crossings in accordance with international humanitarian law, United Nations resolutions and the 2005 Agreement on Movement and Access. This is essential for reconstruction and healing the deep physical, psychological and societal wounds of Gaza, as well as for altering the very negative, tense environment between the two sides.

"Furthermore, Palestine emphasizes the importance of the continued pursuit of justice and accountability with regard to the war crimes committed by Israel, the occupying Power, against the Palestinian civilian population in Gaza. This is necessary for ending impunity, redressing the searing sense of injustice among the victims and allowing genuine healing to occur. That this is also essential for the long-term prospects for peace, reconciliation and coexistence is unquestionable.

"At the same time, the situation in the rest of the Occupied Palestinian Territory remains extremely precarious, owing primarily to Israel's aggressive pursuit of its illegal colonization campaign aimed at creating massive facts on the ground to alter the demographic composition, status and character of the Territory, especially in and around Occupied East Jerusalem, and thus facilitate the occupying Power's acquisition of more territory by force and prejudge the outcome of final status negotiations in its favour.

"We reiterate that Israel's colonization of the Occupied Palestinian Territory, including East Jerusalem, constitutes a grave breach of international humanitarian and criminal law, namely the Fourth Geneva Convention and Additional Protocol I, which prohibit the transfer by the occupying Power of its civilian population into the territory it occupies (articles 49 (6) and 85 (4) (a), respectively), and the Rome Statute of the International Criminal Court, under which the transfer, directly or indirectly, by the occupying Power of its own civilian population into the territory it occupies constitutes a war crime (article 8, para. 2 (b) (viii)). In addition, such illegal measures represent egregious violations of General Assembly and Security Council resolutions calling for the cessation and dismantlement of the settlements, blatant disrespect for the International Court of Justice advisory opinion of 9 July 2004 and violations of Israel's Road Map obligation to freeze all settlement activities, including so-called natural growth, and dismantle settlement 'outposts'.

"Even during the peace process, Israel has never ceased its settlement campaign, which has multiplied 17-fold at least in the period since the Annapolis Conference and continues to this day. The occupying Power continues its confiscation of Palestinian land; construction and expansion of settlements, settlement outposts and settlement infrastructure, including bypass roads and military installations and zones; the transfer of thousands more Israeli settlers to the Occupied Territory; construction of the Wall in deviation from the 1967 Green Line to entrench the settlements and advance their de facto annexation; imposition of a racist permit regime, residency restrictions and hundreds of checkpoints; demolition of Palestinian homes; and excavations, all of which are particularly intense in and around Occupied East Jerusalem. Simultaneously, armed and extremist Israeli settlers, with the protection of the occupying forces, continue to perpetrate acts of terror, harassment and intimidation against Palestinian civilians and to wantonly destroy Palestinian properties and orchards.

"On the ground, these illegal settlement colonization measures have been hugely detrimental and have affected all aspects of Palestinian life. The separation, isolation and cantonization of Palestinian communities, including the total isolation of East Jerusalem, by the settlements, Wall and checkpoints — which can only be likened to a state of apartheid — have caused the displacement of thousands of Palestinian civilians and widespread economic and social ills. Moreover, the contiguity, integrity and unity of the Occupied Palestinian Territory have been severely undermined, seriously threatening the prospects for physical realization of the two-State solution.

"As such, in terms of the peace process, the impact of Israel's colonization has also been hugely detrimental, constituting the main obstruction to a peaceful settlement. These provocative, illegal Israeli actions have undermined the drive for peace, poisoned the atmosphere between the two sides and tainted the process as a whole. In this regard, it is imperative to note that the issue of settlements is not only a final status issue in the peace process but is also intricately related to and at the crux of nearly all other final status issues, including Jerusalem, borders, water and security.

"In reality, Israel's colonization is totally contradictory to the objective of the peace process — achievement of the two-State solution of an independent State of Palestine living side by side with Israel in peace and security and on the basis of the 1967 borders — and to the principle of land for peace sustaining that process. We thus reaffirm that continuing negotiations under such conditions would be futile and unacceptable, and there is an international consensus that such a process will never achieve its goals. The Palestinian leadership has always negotiated in good faith but it cannot continue to engage blindly in this process while Israel continues to destroy the contiguity, viability and prospects for the future independent State of Palestine.

"The international community must act swiftly in response to the international consensus that exists with regard to the two-State solution to the Israeli-Palestinian conflict, including that embodied in resolution 63/29, in order to salvage the two-State solution and the prospects for peace and stability in our region. Continued declarations or mild appeals to Israel will no longer suffice and further appeasement will only deepen this problem. Israel, the occupying Power, must be compelled to cease immediately all settlement and related colonization activities in the Occupied Palestinian Territory, including East Jerusalem, and abide by its obligations under international law in this regard, as well as under the Road Map. Confronted with continued defiance, the international community, including the Security Council and Quartet, must take real action, including practical and concrete measures, to bring to an end Israel's belligerent, unlawful practices.

"The provisions of resolution 63/29 thus remain valid, as do those of the other United Nations resolutions relevant to the question of Palestine, and the legal and political principles therein constitute the foundations of the peace process and the keys to resolving this prolonged conflict. Creating the appropriate environment for the advancement of negotiations and overcoming the obstacles that have repeatedly impeded progress towards a peaceful settlement require adherence to and full respect for these parameters and principles and fulfilment of the obligations and commitments they entail.

"The support of the international community in this endeavour remains critical and Palestine remains encouraged by the overwhelming support in this regard, as reflected, inter alia, by the vote on resolution 63/29. The General Assembly must continue striving to promote a peaceful settlement of the question of Palestine in all its aspects. Our conviction remains firm that concerted and coordinated action by the international community can and will tangibly contribute to bringing an end to the 1967 Israeli occupation and enabling the Palestinian people to exercise their inalienable rights in their independent State of Palestine, with East Jerusalem as its capital, fundamental to a just, lasting and comprehensive settlement of the Israeli-Palestinian conflict and the Arab-Israeli conflict as a whole.

"In conclusion, we reaffirm the Palestinian leadership's commitment to a peace process based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Road Map. We thus renew the call upon the international community to seize the slim prospects for peace that remain and not allow them to vanish as a

result of illegal, unilateral and destructive Israeli actions. Moreover, we reaffirm the enduring resilience of the Palestinian people, in spite of the formidable challenges, to ultimately realize their inalienable rights, including their rights to self-determination and to return, and to fulfil their legitimate national aspirations to live in peace, freedom and prosperity in their homeland and in harmony with their neighbours."

II. Observations

5. During the reporting period, diplomatic developments and events on the ground underscored the importance of a peaceful settlement of the question of Palestine. The past year witnessed the discontinuation of Israeli-Palestinian negotiations undertaken within the framework of the Annapolis process, a destructive conflict in Gaza and southern Israel, a deepening internal divide despite efforts towards Palestinian unity and the formation of a new Israeli Government following Knesset elections. In recent months, there have been renewed efforts by the international community to achieve the vision of two states living side by side in peace and security.

6. On 4 November 2008, Israel conducted a military incursion into Gaza for the purpose of destroying a tunnel allegedly used for abducting Israeli soldiers. After several months of relative calm, between 4 and 30 November, 138 rockets and 153 mortars were subsequently fired by Palestinian militants into Israel. I strongly condemned these rocket attacks by Palestinian militants as totally unacceptable and called upon all parties to fully respect the *tahdiya*, or calm, which had been brokered by Egypt between Israel and Hamas in June 2008.

7. Rocket fire from Gaza into southern Israel and Israeli air strikes accelerated throughout December. On 27 December 2008, the violence sharply escalated with the commencement of Israeli military operation Cast Lead, which included the launch of massive, coordinated strikes by the Israeli air force in Gaza. Notwithstanding the Security Council's press statement on 28 December calling for both sides to halt all acts of violence, in the following days Israel heavily bombed a large number of Gaza's military and civilian installations, while Hamas launched rockets into southern Israel almost continuously. Throughout this period, I engaged in bilateral contacts with leaders from the region to urge a return to the calm and to avoid further escalation and bloodshed.

8. On 31 December, I briefed the Security Council, deploring the fact that the civilian population of Gaza was trapped between the irresponsibility displayed in the indiscriminate rocket attacks by Hamas militants and the disproportionality of the continuing Israeli military operation. I also emphasized that life in southern Israel had become extremely difficult, with Israelis living in constant fear of rocket strikes. I called on all parties to fully respect international humanitarian and human rights law.

9. The conflict further escalated on 3 January 2009, when the Israel Defense Forces launched a major ground offensive into Gaza. The following weeks were marked by intense fighting, high numbers of civilian casualties and extensive damage to the civilian infrastructure in Gaza.

10. On 8 January 2009, the Security Council adopted resolution 1860 (2009), in which it called for a complete halt to the violence, an immediate and durable ceasefire, the unimpeded provision of humanitarian assistance, the sustained reopening of the crossing points and efforts to curb the illicit trafficking of weapons into Gaza.

11. Following the adoption of resolution 1860 (2009), I undertook an extended eight-country mission to the region to deliver the message that the fighting must stop and the resolution must be fully respected and implemented. I met with the leaders of Egypt, Jordan, Israel, the Palestinian Authority, Turkey, Lebanon, and the Syrian Arab Republic and, in the immediate aftermath of the end of major hostilities, I visited Gaza City and southern Israel. Throughout this mission, I sought to maximize coordination of the diplomatic efforts to end the crisis and to make clear the expectations of the United Nations as embodied in resolution 1860 (2009).

12. Major military operations ended on 18 January with the declaration of unilateral ceasefires by the Israeli cabinet and Hamas. Since January 2009, violence in Gaza has decreased significantly; however, sporadic firing from both sides has continued, underscoring the overall fragility of the situation. I believe it to be of the utmost importance that these unilateral ceasefires are translated into lasting arrangements based on the framework of resolution 1860 (2009).

13. The three-week conflict in Gaza resulted in extensive suffering and hardship. While figures from different sources vary, an estimated 1,300 Palestinians lost their lives and 5,300 were injured in the conflict, and on the Israeli side, 14 Israelis were killed and more than 530 were injured. A large proportion of the casualties, particularly on the Palestinian side, were civilians. I deeply regret the loss of civilian life during the conflict.

14. The intensity and destruction of the conflict substantially exacerbated the existent humanitarian crisis in Gaza, with deterioration in food security, physical and mental health, and access to basic services and economic livelihoods all being observed. During the conflict, practical arrangements were put in place between United Nations humanitarian agencies and Israel for the delivery of some relief supplies to the beleaguered civilian population. Following the end of the hostilities, United Nations agencies estimated that 3,700 houses and two health-care centres had been destroyed, and that 48,700 homes, 15 hospitals, 41 health-care centres and 273 schools had sustained varying degrees of damage.

15. On 2 March 2009, I attended the conference for the reconstruction of Gaza in Sharm el Sheikh, where the Palestinian Authority presented the Palestinian Early Recovery and Reconstruction Plan. The conference yielded pledges worth $4.5 billion. At the time of writing, only a small percentage of these funds have materialized, at least in part due to donor concerns about the ability to get the necessary reconstruction materials into Gaza.

16. The numbers of truckloads of goods entering Gaza have increased since the period immediately preceding and during Operation Cast Lead. However, the import of goods still remains less than one fifth of that which occurred as part of normal commerce and trade prior to the imposition of the comprehensive closure regime in May 2007. Today, the overwhelming majority of imports into Gaza are limited to food and sanitation items, with still little or no entry for all other goods, including items for early recovery and reconstruction.

17. Some seven months after the conflict, this situation is unacceptable. Consistent with resolution 1860 (2009), the November 2005 Agreement on Movement and Access, and public statements made by the Quartet, I have repeatedly called for a sustained reopening of all crossing points in Gaza and for mechanisms to be put in place to prevent the illicit trafficking of arms into Gaza.

18. In addition, the United Nations has presented the Government of Israel with a proposal to begin a $77 million first instalment of early recovery and reconstruction by working to complete previously suspended United Nations projects to build housing, schools and clinics across Gaza. In implementing these projects, United Nations agencies will utilize their own monitoring, verification and quality assurance processes in order to ensure integrity of programming. I hope to receive a positive response to this reasonable proposal.

19. From the outset of the conflict in Gaza, I called on all combatants to respect the sanctity of United Nations premises. However, during the course of the conflict a number of incidents occurred in which United Nations personnel, premises or operations were affected. In response, I established an internal Board of Inquiry to review and investigate nine of these incidents.

20. On 4 May 2009 I released a summary of the Board's report. The Board found that in seven incidents, the death, injuries and damages were caused by military actions of the Israel Defense Forces, using munitions launched from the air or fired from the ground. In one incident, the report concluded that damage to a World Food Programme facility was caused by a Palestinian faction, most likely Hamas, and in another incident, the Board was unable to reach any conclusions. The Board also made a number of recommendations, including with respect to pursuing claims for damages incurred by the United Nations and further improving coordination mechanisms between the United Nations and the Government of Israel in order to help ensure the safety and security of United Nations personnel and premises. I am actively pursuing these recommendations.

21. I have fully supported the United Nations fact-finding mission on the Gaza conflict led by Justice Richard Goldstone, pursuant to Human Rights Council resolution S-9/1 (2009), and its broad investigation into all alleged human rights and international humanitarian law violations that took place before, during and after the military operations in Gaza between 27 December 2008 and 18 January 2009. I look forward to the report of the fact-finding mission.

22. I also support continuing mediation efforts to secure the release of Israeli Corporal Gilad Shalit in exchange for some of the 11,000 Palestinian prisoners held in Israeli jails. I regret that three years after his capture, neither the International Committee of the Red Cross nor any other international body has been granted access to Corporal Shalit.

23. During the reporting period, Egypt convened six rounds of reconciliation talks between Fatah, Hamas and other Palestinian groups. Regrettably the talks have only yielded limited progress. I continue to fully support the efforts of Egypt on this vital issue and to urge the factions to quickly conclude an agreement to reunite within the framework of the legitimate Palestinian Authority, as called for in resolution 1860 (2009) and by the Quartet and League of Arab States. The United Nations is ready to engage a government under the authority of President Abbas that unites Gaza and the West Bank within such a framework.

24. A key achievement during the reporting period has been the beginning of Palestinian self-empowerment, which has taken place in the West Bank under the leadership of President Abbas and Prime Minister Fayyad and has included important reforms in fiscal management, development planning and the security sector. This positive momentum must not be imperilled by the financial crisis facing the Palestinian Authority. When the Ad Hoc Liaison Committee met in Oslo on 8 June 2009, Prime Minister Fayyad reported that the Palestinian Authority faces a critical budget crisis and still has great difficulty paying monthly salaries, which has a severe impact on its planning processes and undermines its reform agenda.

25. In July 2009, the International Monetary Fund reported that in 2009 the recurrent budget deficit for the Authority was approximately $1.6 billion and that $900 million in external financing was required for the remainder of the year. I very much welcome the recent transfers of funds by major donors to support the Palestinian Authority and I appeal to other donors to urgently fulfil pledges of budget support.

26. The Israeli system of creating physical obstacles to movement in the West Bank and imposing elaborate permit requirements on Palestinians has continued to be entrenched during the reporting period, including for movement in and around East Jerusalem. However, I welcome recent measures by the Israeli Government to ease movement restrictions around Nablus, Jericho, Qalqiliya and Ramallah. The positive steps taken by Israel, if sustained and expanded, would have a significant impact on Palestinian freedom of movement and economic development. As at August 2009, 613 obstacles to movement remained in the West Bank, 68 of which were permanently staffed checkpoints. According to the International Monetary Fund, if Israel continues easing restrictions, real growth in the gross domestic product in the West Bank could stand at 7 per cent in 2009. This would represent the first significant improvement in living standards in the West Bank since 2006.

27. I appreciate the work of Quartet Representative Tony Blair in his efforts to support continued economic development in the Occupied Palestinian Territory and encourage the parties to work with him to bring about transformative change on the ground.

28. During the reporting period, the Palestinian Authority continued to make real strides in the implementation of its security plan with considerable international assistance, in particular from the United States of America. I urge the Palestinian Authority to continue to make every effort to improve law and order and to fight violent extremism in accordance with its Road Map obligations. In line with the increasing capabilities of the Palestinian security forces, I also encourage Israel to further ease movement restrictions, as well as to reduce search and arrest operations in the West Bank.

29. In Gaza, Hamas has extended its de facto control over institutions and society. Actions taken to impose internal order, including the violent confrontation with the radical group Jund Ansar Allah on 14 August 2009, have taken place outside a legitimate legal framework. There is little accountability of the de facto authority towards the population regarding such actions. In recent months, despite sporadic incidents, Hamas has largely enforced a state of calm vis-à-vis Israel and it is vital that this is built upon. The only sustainable future for Gaza is for the Strip to be reunited with the West Bank within the framework of Palestinian, regional and international legitimacy. Hamas has key responsibilities in this regard which have

not yet been met and I continue to call on the Hamas leadership to respond positively to the urgings of the international community.

30. The reporting period has also been one of political transition in Israel. A Likud-led coalition Government headed by Prime Minister Netanyahu was sworn into office on 31 March 2009 following Israeli elections held on 11 February. I welcomed the formation of the new Israeli Government and stated my expectation that it would adhere to Israel's previous commitments regarding the peace process.

31. On 14 June 2009, Prime Minister Netanyahu delivered a speech in which he stated that the Israeli Government would accept a Palestinian state, but under several significant conditions related to final status issues. It is, however, actions on the ground, together with a genuine readiness to negotiate on all core issues based on existing commitments, that will be the true test of Israel's commitment to the two-State solution.

32. In this respect, I am concerned by the failure of the new Israeli Government to commit to its obligation under the Road Map to freeze all settlement construction, including natural growth, as well as to dismantle outposts erected since March 2001. I note that the Israeli organization Peace Now reported that in the first half of 2009, the building of 596 new structures had begun in West Bank settlements, outposts and industrial areas and that there had not been any evacuations of "real" outposts.

33. Israeli actions in support of settlers in the heart of East Jerusalem are a matter of particular concern. Most recently, on 2 August 2009, Israeli security forces forcibly evicted nine Palestinian families, amounting to 53 people, from their homes in the Sheikh Jarrah neighbourhood of East Jerusalem. Under the protection of Israeli security forces, the property was handed over to a settlement organization. I repeat here the Quartet's position that such unilateral actions cannot prejudge the outcome of negotiations and will not be recognized by the international community.

34. On 29 October 2008, following a five-month suspension of demolitions obtained by Quartet Representative Tony Blair, the Israeli authorities resumed the demolition of houses lacking building permits in East Jerusalem and Area C of the West Bank. I reiterate my call on Israel to adhere to international law and its Road Map obligations, and to cease and reverse provocative actions such as demolitions and evictions.

35. Contrary to the 9 July 2004 advisory opinion of the International Court of Justice, the Barrier deviates significantly from the 1967 Green Line into Occupied Palestinian Territory in the West Bank. It continues to restrict Palestinian access to East Jerusalem, key social services and agricultural land. In accordance with the provisions of General Assembly resolution ES-10/17 of 15 December 2006, on 9 April 2009 I provided a progress report on the work of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory. At the time of writing, the Register of Damage had collected over 1,100 claim forms in the West Bank and had approved 268 claims for inclusion in the Register.

36. Violence between Israelis and Palestinians, as well as among Palestinians, continued. Excluding casualties during Operation Cast Lead, between 1 September 2007 and 17 August 2009, 5 Israelis were killed and 125 injured, while 89 Palestinians were killed and 1,212 injured in conflict-related incidents. A total of 80 Palestinians were killed and 200 wounded in internal violence. I once again

unequivocally condemn all acts of violence and hostilities directed against civilians and remind all parties of their obligations under international law.

37. Moving now to international diplomatic activity in support of the peace process, the latter half of 2008 witnessed regular bilateral negotiations between Israeli and Palestinian negotiating teams within the framework of the Annapolis process. On 9 November 2008, President Abbas and the then Minister for Foreign Affairs Livni briefed the Quartet on their progress, which they described as substantial and promising. While noting that a comprehensive agreement would not be reached by the Annapolis target of the end of 2008, the parties committed themselves to continuous, uninterrupted negotiations on all core issues. On 16 December 2008, the Security Council passed resolution 1850 (2008) reaffirming the basic principles upon which Israeli-Palestinian peace must rest as well as the irreversibility of bilateral negotiations undertaken through the Annapolis process.

38. Talks were initially suspended during the Israeli electoral period and were then discontinued owing to Operation Cast Lead, and no negotiations on core issues have taken place in 2009. However, an important new impetus to peace efforts was given by the early and welcome initiative of United States President Obama to vigorously pursue the creation of a Palestinian State as part of a comprehensive regional peace strategy. I also welcomed President Obama's appointment of Senator George Mitchell as United States Special Envoy for the Middle East. President Obama's speech in Cairo on 4 June 2009 challenged Israelis and Palestinians alike and demonstrated the importance which the United States Administration places on a peaceful settlement to the Israeli-Palestinian conflict.

39. On 26 June 2009, the Quartet met in Trieste and affirmed its determination to work with the parties to create the conditions necessary for the prompt resumption and early conclusion of negotiations on the end goal of a two-State solution. There was strong agreement among Quartet members that both Israelis and Palestinians should implement their obligations under the Road Map, and they urged the Government of Israel to freeze all settlement activity, including natural growth, and called upon the Palestinian Authority to continue to improve law and order and to fight violent extremism.

40. During the reporting period, the Quartet also continued its valuable practice of consulting with the League of Arab States. I welcome the renewed commitment of the Arab League to pursue a just and comprehensive regional peace in accordance with the Arab Peace Initiative, as expressed most recently in its ministerial communiqué of 24 June 2009. I continue to believe strongly in the potential for activating the regional tracks of the peace process, alongside a rejuvenated Palestinian track, on the basis of land for peace. I also support the convening of an international conference in Moscow to support this effort.

41. I want to record my deep appreciation to Robert H. Serry, the United Nations Special Coordinator for the Middle East Peace Process as well as to the Commissioner-General of UNRWA, Karen Koning AbuZayd, and all United Nations staff who continue to provide indispensable service in the Occupied Palestinian Territory under difficult and sometimes dangerous circumstances. Palestinian and international United Nations staff members have faced growing restrictions as concerns their free movement and access in the service of the United Nations. I have repeatedly protested these restrictions to the Government of Israel and look forward to improvements in this regard.

42. I am particularly indebted to the Director of UNRWA Operations in Gaza and his staff for bravely continuing their work throughout Operation Cast Lead. I want to pay special tribute to the UNRWA staff member killed and the 11 others injured while serving the Palestinian people during the Gaza conflict.

43. I call on the parties to honour all existing agreements and previous commitments and pursue an irreversible effort towards the two-State solution, including by fully implementing their obligations on the ground and by resuming, vigorously pursuing, and concluding negotiations to resolve all core issues of the Israeli-Palestinian conflict, including Jerusalem, borders and refugees. A true end to violence and lasting security for both Palestinians and Israelis will only come through a just, comprehensive and peaceful settlement to the Arab-Israeli conflict. After the failure of efforts in 2008 to secure an agreement and the difficulties encountered in 2009 in securing a resumption of negotiations, it is vital that meaningful progress is now made towards the goal of a negotiated agreement, that the parties live up to their responsibilities in this regard, and that there is coordinated and effective international engagement in support of these efforts.

44. The United Nations will continue to work towards the peaceful settlement of the question of Palestine. The framework for peace remains unchanged: the establishment of two States, an independent and viable Palestine living side by side in peace and security with Israel, on the basis of the principle of land for peace and a just and comprehensive regional peace consistent with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), the Road Map and the Arab Peace Initiative.